

Ayuda's Community Legal Interpreter Bank
Washington DC
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A. Introduction

The Community Legal Interpreter Bank is still in the development stage. Basically, the Bank will provide trained legal interpreters to all non-profit civil legal service providers in DC (about 50). Like everyone else, we are still trying to figure out the best approach to all of the challenges we have identified. Our approach has been shaped by the political climate and resources made available to us.

Goal: Increase access to justice for LEP, deaf, and hard-of-hearing community members

Objectives: 1. Increase the pool of trained legal interpreters.
2. Decrease the cost of language access for non-profit providers.

Approach: Create an appropriate legal interpreter protocol for working within the legal service provider context. This is somewhat of a hybridization of the courtroom and community interpreter models.

B. History/Development

The Bank is related to, but not included within, the DC Language Access Act. The Act applies only to DC government agencies and those funded by the DC government, but few legal services are funded by the DC government. The Bank is funded by a DC Council appropriation, created through the advocacy efforts of the DC Access to Justice Commission and the DC Consortium of Legal Services Providers. The funding is administered by the DC Bar Foundation, and it requires that the Bank address, at least, the six languages identified by the DC Language Access Act (Spanish, French, Chinese, Korean, Amharic, and Vietnamese) and American Sign Language.

Currently, legal services providers use friends, family, volunteers, bilingual staff, and some paid interpreters. However, there is no centralized registry or specialized training for legal interpreters working **outside** of the courtroom. The providers advocated for a collaborative solution. The Bank is led by an Advisory Board including interpreter service providers, legal service providers, and law school clinical professors.

C. Timeline

The Bank was formally established in April 2007. The First Year (April 2007 to April 2008) was dedicated to planning and development. Policies, procedures, and an interpreter training curriculum were in development. A small Pilot Project of a dozen highly trained and experienced interpreters and three legal service providers was initiated to provide initial feedback and some baseline data.

The Second Year (May 2008 to April 2009) will be dedicated to Limited Implementation. Two interpreter training sessions will be held, for a total of at least 30 interpreters. Policies, procedures and protocols will be revised based on the Pilot Project experience. Evaluation of the Bank will be initiated. Interpreters will be provided to 5 legal services providers. A training curriculum for providers will be developed and at least two training sessions will be held.

The Third Year (May 2009 to April 2010) will see the expansion to Full Implementation. We will continue to improve the Bank and conduct evaluation efforts. We will offer at least two interpreter training sessions, for a total of at least an additional 30 interpreters (ending the year

with at least 60 trained legal interpreters in the Bank). We will offer at least two provider training sessions, and offer interpreter placements to all legal service providers in the District.

The Fourth Year and beyond will be dedicated to Expansion. Initial funding for the Bank is limited to providers in the District. Language access is, however, a regional problem and a regional solution is sensible. Funding will be sought to expand to Maryland and Virginia.

D. Current Status

Policies and procedures have been drafted and are currently being tested by our Pilot Project interpreters and providers. The legal interpreter training curriculum is in development with the assistance of a consultant (Marjory Bancroft, Cross-Cultural Communications). The training will last 20 hours, plus 1 hour of assessment. The training materials will be completed by June 30, 2008. A version of the National Consortium of State Courts Code of Professional Ethics is being drafted to better address the realities of legal interpreting outside of the courtroom.

E. Challenges

1. Negotiating ethics for this context. We are developing guidelines for interpreters and providers regarding a host of ethical issues, including:
 - a. How much cultural information or linguistic mediation is appropriate within the attorney-client relationship and how to deal with requests to act as a cultural expert
 - b. Interpreter conflicts and an effective procedure for conducting a conflict check
 - c. Confidentiality within the attorney-client privilege, and what actions of an interpreter could impact attorney-client privilege
 - d. Interpreter actions which could constitute Unauthorized Practice of Law or fraud
2. Funding. Both determining how much is really necessary to run this project and getting sustainable funding that will allow for regional expansion.
3. Convincing others to spend money on interpretation and translation. Many providers and funders are used to using volunteers and may not understand why that is problematic.
4. Measuring success. Currently few providers track the number of LEP, deaf, and hard-of-hearing clients they serve, so it is difficult to know if providing interpreters will increase the numbers who come forward for services.